

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s) : Mark R. BILAK et al.

Group Art Unit: 2182

Appln. No. : 10/710,414

Examiner: Alan Chen

Filed : July 8, 2004

Confirmation No.: 4413

For : DYNAMIC MEMORY ALLOCATION BETWEEN INBOUND AND  
OUTBOUND BUFFERS IN A PROTOCOL HANDLER

**TERMINAL DISCLAIMER**

Commissioner for Patents  
U.S. Patent and Trademark Office  
Customer Service Window, Mail Stop AF  
Randolph Building  
401 Dulany Street  
Alexandria, VA 22314

Sir:

Your petitioner, International Business Machines Corporation (IBM), a corporation of the State of New York, located at New Orchard Road, Armonk, NY, 10504, represents that it is the owner of record of the entire right, title and interest of the above-identified application by virtue of an assignment recorded in the U.S. Patent and Trademark Office on March 12, 2002 at Reel 012468, Frame 0478 of U.S. Patent No. 6,877,048.

The undersigned representative is authorized to act on behalf of the assignee, and it is certified that to the best of the undersigned's knowledge and belief, title is in the assignee.

Your petitioner, IBM, hereby disclaims, except as provided below, the terminal part of any patent granted on the above-identified application which would extend beyond the expiration date of U.S. Patent No. 6,877,048, and hereby agrees that any patent so granted on the above-identified application shall be enforceable only for and during such period that the legal title to said patent shall be the same as the legal title to United States Patent No. 6,877,048, this

agreement to run with any patent granted on the above-identified application and to be binding upon the grantee, its successors or assigns.

Petitioner does not disclaim any terminal part of any patent granted on the above identified application prior to the expiration date of the full statutory term as defined in 35 U.S.C. 154 to 156 and 173 as presently shortened by any terminal disclaimer of Patent No. 6,877,048, in the event that it later: expires for failure to pay a maintenance fee, is held unenforceable, is found invalid, is statutorily disclaimed in whole or terminally disclaimed under 37 C.F.R. 1.321(a), has all claims canceled by a reexamination certificate, is reissued, or is otherwise terminated prior to the expiration of its full statutory term as presently shortened by any terminal disclaimer, except for the failure of common ownership stated above.

I hereby declare that all statements made herein of my own knowledge are true, and that all statements made on information and belief are believed to be true; and further, that these statements are made with the knowledge that willful false statements, and the like so made, are punishable by fine or imprisonment, or both under Section 1001, Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Respectfully submitted,  
Mark R. BILAK et al.

A handwritten signature in black ink, appearing to read 'Andrew M. Calderon', written over a horizontal line.

Andrew M. Calderon  
Reg. No. 38,093

January 17, 2007  
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